

Remarks

The referenced patent application has been reviewed in light of the referenced Office Action.

Claims 1-15 are pending in the referenced patent application. Claims 1-15 are rejected by the Office Action under 35 U.S.C. § 103(a) as being unpatentable over United States Patent 5,265,202 (Krueger) in view of United States Patent 6,348,953 (Rybczynski). Reconsideration of the referenced patent application in view of the above claim amendments and the following remarks is respectfully requested.

Claims 1-15 are amended to clarify the claimed subject matter.

Applicant's claim 1 as amended recites creating a first window movable with respect to a display (movable window) to receive dynamic video content which at least partially overlaps a second movable window. The Office Action asserts in the Response to Arguments on p. 4 that "display screen 16" disclosed by Krueger is equivalent to a second window. While Applicant does not agree with this characterization of a "display screen" as a second window, even if *arguendo* the Office Action's assertion is taken as true, a display screen by its nature cannot be a movable with respect to a display (movable window), as recited in Applicant's amended claim 1. Therefore, Krueger's "display screen" is unrelated to a second movable window and thus Krueger does not teach or suggest this element of claim 1.

To support a rejection under 35 U.S.C. 103(a), it must be shown that each element of claim 1 is taught or suggested by the cited references when considered in combination, or be obvious to one of ordinary skill in the art. However, as argued above, the element related to a second movable window is not taught nor disclosed in Krueger. Nor does Rybczynski disclose or suggest this element of claim 1, and moreover, no argument has been made in the Action

asserting that Rybczynski discloses or suggests this element, or that this element is obvious to one of ordinary skill.

Claim 1 and its dependent claims, claims 2-4 are therefore patentable under 35 U.S.C. 103(a) under Krueger and Rybczynski. By the same argument as above, claims 5, 7, 11 and 13, each of which includes an element related to a second movable window are patentable and therefore the claims that depend on these claims, viz. claims 6, 8-10, 12, and 14-15 are also patentable.

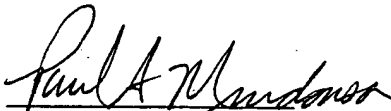
Applicant therefore asserts that all claims pending in the application, claims 1-15, are therefore patentable over Krueger in view of Rybczynski and should be allowed .

The Examiner is welcome to contact the Attorney of Record, Gregory D. Caldwell (Reg. No. 39,926) at 503 684 6200 to discuss any matters with the case. The Commissioner is hereby authorized to charge any fees in connection with this communication to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: February 2, 2004


Paul A. Mendonsa
Reg. No. 42,879

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(503) 684-6200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on:

2-3-04
Date of Deposit
DEREK S. WATSON
Name of Person Mailing Correspondence
DSW 2-3-04
Signature Date